

January 10, 2011

The Honorable Gary MacLaren
Montana House of Representatives
PO Box 200400
Helena, MT 59620-0400

Dear Representative MacLaren,

I am writing to you concerning House Bill 198 (HB198) that would give the power of eminent domain to a public utility, its affiliates, and its subsidiaries. It could also give the power to exercise eminent domain to a person issued a certificate of compliance under the major facility siting act.

I have several concerns about and am opposed to this bill.

Concern #1: As a fellow Republican, I do not agree with giving just anyone the power to take another's property. I believe this is a major violation of private property rights, the Montana Constitution, and the United States Constitution. The origin of eminent domain was to create an avenue to improve one's way of life by building necessary roads, city streets, sewage plants, water lines, electrical power lines, etc. It provided a just compensation to the landowner at that time. In most instances, eminent domain wasn't used as people were neighborly and understood the need. I believe eminent domain is being abused in our day. Companies or persons granted the power of eminent domain for projects that are largely for their profits not for public good or use is wrong. My husband and I have a ranching business – why should anyone be given the right to take our land just because we have it? We need and use every inch of our property. No compensation would ever be good enough to make up for the loss of our land and the right we have to own and enjoy it.

Concern #2: How many eminent domain laws do we need? There is already a law (Montana Constitution Title 70, Chapter 30) that establishes the right of eminent domain for public utilities – why do we need another? As a Republican we believe in LESS government not more government regulations. This bill creates more of a burden on the private landowner. Let's be real – the only reason this bill was drafted is because a judge upheld the Montana Law about eminent domain and told a foreign corporation (Tonbridge) they had no power to use eminent domain on a Montana landowner to build their merchant export transmission line (MATL). So the landowner was protected against abuse of eminent domain, the power company didn't like it, and so they are going to use whatever power and money they can to change our laws! This is wrong!

Concern #3: We are told because we oppose this bill we are just a bunch of NIMBY's (not in my backyard). This couldn't be farther from the truth. On this fifth generation ranch, my husband's grandfather gave three easements for two different power companies to build the smaller 230 and 161 kV lines. These are the wooden H frames whose poles are about 12 to 18 inches in diameter. They don't take up much grazing land and are fairly easy to work and build improvements around. Also, the water line from the Big Hole River to the Butte Water Treatment plant runs through our ranch. Records show all these easements were sold for the consideration of \$1. This ranch was split in two when I-15 was built, condemnation proceedings were not needed as everyone worked together. You

may think that because we have "all" these things already that one more power line or road shouldn't make any difference. We don't see it that way. We see that we have done our part for the public's good and been neighborly – not nimbys. But our ranch can not take any more and be the working ranch that it is. We are fortunate enough to be making a living from our land and not have to seek outside jobs. We have future plans to hand it on to our two children someday also. So why is it that we get called names for fighting for the right to own, use, enjoy, and keep our land?

Concern #4: I hold no confidence in the Major Facility Siting Act (MFSA) looking out for my best interests or the best interests of any Montanan having now been personally involved in the MFSA process and the role the Department of Environmental Quality has in determining who is issued a certificate of compliance. The issues addressed in the MFSA process provide consideration for the concerns of federal agencies, the applicant, and environmental groups. However, the comments of the private landowner are given minimal consideration. In my case, NWE's preferred route location for their project follows the comments of the BLM, Forest Service, Montana Fish, Wildlife & Parks, Montana Sage Grouse Coalition, and other environmental groups – the route is placed on private land! And now the power company is assuring their route with this bill. There is plenty of federal and state land for this project; there is no need for them to confiscate private land and ruin lives and businesses.

The people of Montana have always granted the right of eminent domain to its public utilities. This law would provide the same right to other companies. As a Montana citizen, tax payer and voter, I ask that you vote against giving my fundamental right to own and enjoy my property away!

Thank you for your consideration,

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